

274356

ND-2018-6-C

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

<i>In the Matter of</i>	)	
	)	
Section 63.71 Application of	)	WC Docket No. _____
	)	
ALEC, LLC	)	
	)	File No. _____
For Authority Pursuant to Section 214 of	)	
The Communications Act of 1934, As	)	
Amended, To Discontinue the Provision of	)	
Service	)	
	)	
	)	

**SECTION 63.71 APPLICATION OF ALEC, LLC**

ALEC, LLC ("ALEC") applies for authority under Section 214(a) of the Communications Act, as amended ("the Act")<sup>1</sup>, and Section 63.71 of the Commission's rules,<sup>2</sup> to discontinue ALEC's provision of interstate access service in Alabama, Arkansas, Florida, Georgia, Idaho, Illinois, Kentucky, Louisiana, Mississippi, Nevada, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin.

ALEC provides the following information pursuant to Section 63.71 of the Commission's rules:

1. *Name and Corporate Headquarters Address of Carrier*

ALEC, LLC  
250 W. Main Street, Suite 1920  
Lexington, KY 40507

<sup>1</sup> 47 U.S.C. § 214.

<sup>2</sup> 47 CFR § 63.71.

**RECEIVED**

FEB 05 2018

PSC SC  
MAIL / DMS

Correspondence concerning this Application should be sent to:

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 Davis Wright Tremaine LLP  
 1919 Pennsylvania Ave. NW  
 Suite 800  
 Washington, DC 20006-3401  
 Telephone: 202.973.4227  
 Fax: 202.973.4427  
 Email: [michaelsloan@dwt.com](mailto:michaelsloan@dwt.com)

2. *Date of Planned Service Discontinuance:*

ALEC plans to discontinue the services that are the subject of this Application on or about March 31, 2018, pending federal and state regulatory approval.

3. *Points of Geographic Areas of Service Affected:*

ALEC proposes to discontinue providing service in the following jurisdictions: Alabama, Arkansas, Florida, Georgia, Idaho, Illinois, Kentucky, Louisiana, Mississippi, Nevada, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin. If the Application is granted, ALEC will no longer provide service anywhere in the United States.

4. *Brief Description of Types of Service Affected and Reason for Discontinuance:*

ALEC proposes to discontinue its terminating access service that it provides to its only customer, Momentum Telecom, Inc. ("Momentum"), an affiliate of ALEC, in the locations described above. To the extent necessary, Momentum will purchase services previously provided by ALEC from third-parties.

5. *Brief Description of the Dates and Methods of Notice to All Affected Customers:*

ALEC understands that Section 63.71(a) of the Commission's rules requires that ALEC provide written customer notice of the planned discontinuance of the affected services.<sup>3</sup> However, since ALEC's only customer is Momentum, which is also an affiliate of ALEC, ALEC

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<sup>3</sup> 47 CFR § 63.71(a).

requests that the Commission waive the requirement to provide written customer notice of the planned discontinuance. Momentum is fully aware of the discontinuance. In fact, the actions of Momentum are the cause of ALEC's proposed discontinuance.

6. *Whether the Carrier is Considered Dominant or Non-dominant with Respect to the Service to be Discontinued.*

ALEC is considered non-dominant in all locations it serves with respect to the service that will be discontinued.

7. *Other Information.*

In accordance with Section 63.71(a) of the Commission's rules,<sup>4</sup> a copy of this Application is being mailed concurrently with its filing to the entities listed on the attached certificate of service.

**Conclusion**

The public convenience and necessity will not be adversely affected by the discontinuance of the services described herein. ALEC's only customer, an affiliate, has advance notice of the proposed discontinuance and has access to several readily available substitute services. Therefore, ALEC respectfully requests that the Commission approve its Section 63.71 Application to discontinue the affected service.

Respectfully Submitted,

/s/ Michael C. Sloan

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Michael C. Sloan  
Davis Wright Tremaine LLP  
1919 Pennsylvania Ave., NW  
Washington, DC 20006

*Counsel to ALEC, LLC*

January 30, 2018

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<sup>4</sup> See *id.*

### CERTIFICATE OF SERVICE

I, Christopher Cook, do hereby certify on this 30th day of January, 2018 that a true and correct copy of the foregoing "Section 63.71 Application of ALEC, LLC" has been sent via U.S. mail, postage prepaid to the following:

Secretary of Defense  
Attn. Special Assistant for Telecommunications  
Pentagon  
Washington, DC 20301

Office of the Governor  
State Capitol  
600 Dexter Avenue  
Montgomery, AL 36130

Alabama Public Service Commission  
100 North Union Street, Suite 850  
Montgomery, AL 36104

Office of the Governor  
500 Woodlane Street  
Little Rock, AR 72201

Arkansas Public Service Commission  
1000 Center Building  
Little Rock, AR 72201

Office of the Governor  
The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Office of the Governor  
206 Washington Street  
111 State Capitol  
Atlanta, GA 30334

Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta, GA 30334

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State Capitol  
P.O. Box 83720  
Boise, ID 83720

Idaho Public Utilities Commission  
472 West Washington Street  
P.O. Box 83720  
Boise, ID 83720

Office of the Governor  
207 State House  
Springfield, IL 62706

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Office of the Governor  
700 Capital Avenue, Suite 100  
Frankfort, KY 40601

Kentucky Public Service Commission  
2011 Sower Boulevard  
Frankfort, KY 40601

Office of the Governor  
P.O. Box 94004  
Baton Rouge, LA 70804

Louisiana Public Service Commission  
602 North Fifth Street  
P.O. Box 91154  
Baton Rouge, LA 70821

Office of the Governor  
P.O. Box 139  
Jackson, MS 39205

Office of the Governor  
State Capitol Building  
101 North Carson Street  
Carson City, NV 89701

Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699

Office of the Governor  
Riffe Center, 30<sup>th</sup> Floor  
77 South High Street  
Columbus, OH 43215

Office of the Governor  
1205 Pendleton Street  
Columbia, SC 29201

Office of the Governor  
1<sup>st</sup> Floor, State Capitol  
Nashville, TN 37243

Office of the Governor  
P.O. Box 12428  
Austin, TX 78711

Office of the Governor  
115 East Capitol  
Madison, WI 53702

Mississippi Public Service Commission  
501 North West Street  
Woolfolk State Office Bldg.  
Jackson, MS 39201

Nevada Public Utilities Commission  
1150 East William Street  
Carson City, NV 89701

North Carolina Utilities Commission  
430 North Salisbury Street  
Raleigh, NC 27603

Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

South Carolina Public Service Commission  
101 Executive Center Drive  
Columbia, SC 29201

Tennessee Regulatory Authority  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, TX 78711

Public Service Commission of Wisconsin  
601 North Whitney Way  
Madison, WI 53705

/s/ Christopher Cook  
Christopher Cook